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Attorneys for Defendants
Michael V. Shustek and Vestin Mortgage, LLC

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiffs,

v.

MICHAEL V. SHUSTEK and VESTIN
MORTGAGE LLC,

Defendants.

CASE NO. 2:21-CV-01416-JCM-BNW

**JOINT STIPULATION AND [PROPOSED]
ORDER TO ENTER INTO MEDIATION**

Plaintiff Securities and Exchange Commission (“Plaintiff” or “SEC”) and Michael V. Shustek (“Mr. Shustek”) and Vestin Mortgage LLC (“Vestin Mortgage”, collectively “Defendants”) hereby stipulate and agree as follows:

WHEREAS the Court ordered the Parties to mediate the case prior to March 13, 2023.¹

WHEREAS the Parties believe that it is in their best interests, and in the interest of judicial economy, to schedule a mediation with a United States District Court, District of Nevada, Magistrate Judge on a mutually agreeable date.

WHEREAS the Parties are available on the following dates: February 16, February 17, February 22, February 28, and March 2.

WHEREAS the Defendants believe that it is in their best interests that the Magistrate Judge not be one who is currently presiding over this matter and respectfully request that Magistrate Judge Elayna J. Youchah or, in the alternative, Magistrate Judges Cam Ferenbach or Carla Baldwin assist with mediation.

WHEREAS the Plaintiff does not object to the appointment of the Magistrate Judges suggested by Defendants.

Based on the foregoing,

IT IS HEREBY STIPULATED AND AGREED that the Parties shall participate in mediation of the above-captioned matter with a United States District Court, District of Nevada, Magistrate Judge to be scheduled on a date and time convenient to the Magistrate Judge.

Dated: January 27, 2023

Respectfully submitted,

LATHAM & WATKINS LLP
Manuel A. Abascal

HUTCHISON & STEFFEN
Mark A. Hutchison

¹ See ECF No. 12 (setting September 14, 2022, deadline to mediate); ECF No. 24 at 20 (SEC requesting a six-month extension to all discovery deadlines; mediation deadline of March 13, 2023); ECF No. 34 (granting extension request in ECF No. 24).

By /s/ Manuel A. Abascal
Manuel A. Abascal

Attorneys for Defendants
Michael V. Shustek and Vestin Mortgage LLC

Dated: January 27, 2023

Respectfully submitted,

SECURITIES AND EXCHANGE
COMMISSION
Sheila O'Callaghan

By /s/ Sheila O'Callaghan
Sheila O'Callaghan

Attorneys for Plaintiff
Securities and Exchange Commission

ORDER

IT IS ORDERED that ECF No. 41 is GRANTED in part and DENIED in part. The Court will set this matter for a settlement conference with the assigned magistrate judge. But, unfortunately, the Court is unavailable on the parties' requested dates. Accordingly, the Court will schedule the settlement conference for March 7, 2023 and issue a separate scheduling order. If the parties are unavailable on that date, they may contact chambers to find a date that the Court and all parties are available.

IT IS SO ORDERED

DATED: 5:56 pm, January 31, 2023



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to this action. My business address is Latham & Watkins LLP, 355 South Grand Ave., Suite 100, Los Angeles, CA 90071-1560.

On January 27, 2023, I served the following document described as:

JOINT STIPULATION AND [PROPOSED] ORDER TO ENTER INTO MEDIATION

by serving a true copy of the above-described document in the following manner:

BY ELECTRONIC FILING

I am familiar with the United States District Court, District of Nevada's practice for collecting and processing electronic filings. Under that practice, documents are electronically filed with the court. The court's CM/ECF system will generate a Notice of Electronic Filing (NEF) to the filing party, the assigned judge, and any registered users in the case. The NEF will constitute service of the document. Registration as a CM/ECF user constitutes consent to electronic service through the court's transmission facilities. Under said practice, the following CM/ECF users were served.

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SECURITIES AND EXCHANGE COMMISSION

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San Francisco, California 94104

Attorneys for Plaintiff Securities and Exchange Commission

I declare that I am employed in the office of a member of the Bar of California, or permitted to practice before, this Court at whose direction the service was made and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on **January 27, 2023** at Los Angeles, California.

/s/ Manuel A. Abascal

Manuel A. Abascal